IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

(1)- Writ Petition No. 450(S/S)2003

Manish Kumar Joshi S/o Sri K.C. Joshi,
R/o Pawan Vihar Colony, Post Winn,
District Pithoragarh. ----- Petitioner.

Vs

1. State of Uttarakhand through Secretary, Panchayati Raj, Dehradun,
2. State of Uttarakhand through Secretary, Nagar Vikas, Dehradun.
3. State Election Commissioner, Panchayat & Local Bodies, Uttarakhand, Dehradun,
4. Joint Secretary State Election Commission, Uttarakhand, Dehradun,
5. District Magistrate/District Election Officer, Pithoragarh, District Pithoragarh. ----- Respondents.

With

(2)- Writ Petition No. 453(S/S)2003

Smt. Rikta Chaturvedi ----- Petitioner.

Vs.

State of Uttarakhand and 4 others., ----- Respondents.

With

(3)- Writ Petition No. 466(S/S)2003

Bharat Bhushan Joshi ----- Petitioner.

Vs.

State of Uttarakhand and 3 others., ----- Respondents.

With

(4)- Writ Petition No. 581(S/S)2003

Smt. Km. Pushpa Devi ----- Petitioner.

Vs.

State of Uttarakhand and 4 others., ----- Respondents.

With

(5)- Writ Petition No. 715(S/S)2003

Harish Chandra Pokhriyal and another. ----- Petitioner.

Vs.

State of Uttarakhand and 4 others., ----- Respondents.

With

(6)- Writ Petition No. 716(S/S)2003

Harish Prasad Semwal. ----- Petitioner.

Vs.

State of Uttarakhand and 4 others., ----- Respondents.

With

(7)- Writ Petition No. 729(S/S)2003

Dalbir Singh ----- Petitioner.

Vs.

State of Uttarakhand and 4 others., ----- Respondents.

With

(8)- Writ Petition No. 785(S/S)2003

Rajpal Singh Rawat. ----- Petitioner.

Vs.

State of Uttarakhand and 4 others., ----- Respondents.

With

(9)- Writ Petition No. 965(S/S)2003

Km. Neelam Barthwal. ----- Petitioner.

Vs.

State of Uttarakhand and 5 others., ----- Respondents.

With

(10)- Writ Petition No. 1200(S/S)2003

Anil Kumar and another. ----- Petitioner.

Vs.

State of Uttarakhand and 5 others., ----- Respondents.

With

(11)- Writ Petition No. 1211(S/S)2003

Madan Lal Shah. ----- Petitioner.

Vs.

State of Uttarakhand and 3 others., ----- Respondents.

With

(12)- Writ Petition No. 1218(S/S)2003

Ilam Singh. ----- Petitioner.

Vs.

State of Uttarakhand and 5 others., ----- Respondents.

Sri Manoj Tewari, Adv., Sri Rakesh Thapliyal, Adv., Sri. M.S. Bisht, Adv.
Sri S.S. Chauhan, Adv. Sri R.P. Nautiyal, Adv., Sri. Adv. for the petitioners.
Sri Sudhanshu Dhulia, learned Sr. Counsel, assisted by-
Sri Arvind Vashishtha, learned Asstt. Solicitor General for Election Commission.
Sri. Paresh Tripathi, learned Brief Holder for State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Manoj Tewari, Adv., Sri Rakesh Thapliyal, Adv., Sri R.P. Nautiryl, Adv., Sri S.S. Chauhan, learned counsel for the petitioners, Sri Paresh Tripathi, learned Standing Counsel for State of Uttarakhand and Sri Sudhanshu Dhulia, learned

Senior Counsel assisted by Sri Arvind Vashishtha, learned Asstt. Solicitor General for State Election Commission/ respondents.

The controversy raised by means of present writ petition is identical in nature therefore; all these writ petitions were consolidated for the sake of convenience and are being disposed of by a common judgment.

The issue raised by means of these writ petitions has already been decided by this Court on May 2, 2007 in bunch of writ petitions leading case of which is writ petition no. 373 (ss)2003 Atul Bhatt and another vs. State Election Commissioner and two others. Mere difference between the present writ petitions and those of writ petition no/ 373 (ss) 2003 and connected writ petitions is that in the bunch of writ petition no. 373(ss)2003 the petitioners were continuing on the post held by them whereas; in the writ petitions in hand, the petitioners could not get stay order at the initial stage, thus they are not continuing in the service.

In the case of Atul Bhatt and another vs. State Election Commissioner, this Court directed that, in case, the period of posts, which were created and sanctioned temporarily vide order dated 05.02.1996, is further extended by the Authority Concerned and if the posts are still in existence, though temporarily, the period of contract of petitioner's appointment may be extended till then or till regularly selected candidates join on the post of held by petitioners. It is expected from the Competent Authority to take into consideration the fact that, in case, in near future the posts are filled in accordance with law, the petitioners may be provided weightage as stated by respondents in the order rejecting representation of petitioners.

The respondents may also consider sympathetically the issue of relaxation in age of those who have worked with the Department and now have become overage.

Thus, the same order is also applicable in the matter of present petitioners. Mere difference in the present writ petitions is that the petitioners are not working with the Department. Consequently, I direct the respondents that, in case, if the posts and work is available and the conduct of the petitioners was upto the mark, whenever appointments are made against the sanctioned posts, the candidature of the present petitioners will be considered for appointment in accordance with law. The Appointing Authority shall also take into consideration the fact that in case, in near future the posts are filled in accordance with law, the petitioners may be provided weightage as stated by respondents in the order rejecting representation of petitioners in writ petition no. 373(ss)2003.

With these observations all these writ petitions are disposed of. No order as to costs.

All miscellaneous applications shall stand disposed of.

Let a certified copy of this judgment be kept in the above-connected writ petitions.

(M.M. Ghildiyal, J.)

July 18, 2007:
NCM: